Amendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-4 (cancelled)

5. (currently amended) A biopsy device which is compatible for use with a magnetic resonance imaging machine, said device comprising:

a. a non-metallic elongated substantially tubular needle having a distal end, a proximal end, a longitudinal axis therebetween, a cutter lumen, a non-metallic liner extending along a portion of the cutter lumen, and a side port communicating with said cutter lumen and spaced from said distal end on said elongated needle for receiving a tissue sample; ~~and~~

b. a sharpened closed distal tip for insertion within tissue, said sharpened distal tip attached relative to said distal end of said needle, said distal tip having a proximally opening hollow cavity which is at least partially filled with a capsule comprising a material which will leave an artifact under magnetic resonance imaging, wherein said ~~material~~capsule is spaced distally from said side port of said needle; and

c. a hub member engaged with the distal tip, wherein the hub member is configured to cover the proximally opening hollow cavity of the distal tip to contain the capsule within the proximally opening hollow cavity of the distal tip, wherein the proximally opening hollow cavity of the distal tip is substantially closed off relative to the cutter lumen by the hub member.

6. (previously presented) The device of claim 5 wherein said needle comprises a thermoplastic.

7. (previously presented) The device of claim 5 wherein said needle comprises a glass fiber reinforced polymer resin.

8. (previously presented) The device of claim 5 wherein said material which will leave an artifact under magnetic resonance imaging is selected from the group consisting of: gadolinium, titanium, aluminium, copper, brass and bronze.

Claims 9-12 (cancelled)

13. (previously presented) The device of Claim 5 further comprising a cutter movable within said tubular needle.

14. (currently amended) A biopsy device comprising:

a non-metallic elongated substantially tubular needle having a distal end, a proximal end, a longitudinal axis therebetween, and a side port spaced from said distal end on said elongated needle for receiving a tissue sample;

a sharpened closed distal tip for insertion within tissue, said sharpened distal tip attached relative to said distal end of said needle, said distal tip having a proximally opening cavity therein;

a material which will leave an artifact under imaging, wherein said material is disposed in said cavity of said distal tip and spaced distally from said side port of said needle;

a cap engaged with the sharpened closed distal tip, wherein the cap is configured to substantially cover the proximally opening cavity, wherein the cap is further configured to contain the material within the proximally opening cavity; and

a cutter movable within said tubular needle.

15. (currently amended) A biopsy device comprising:

a non-metallic elongated needle having a distal end, a proximal end, a longitudinal axis therebetween, the needle comprising a cutter lumen, a vacuum lumen, and a side port spaced from said distal end of said elongated needle for receiving a tissue sample;

a sharpened distal tip for insertion within tissue, said sharpened distal tip attached relative to said distal end of said needle, said distal tip comprising a material which will leave an artifact under magnetic resonance imaging, wherein the material which will leave an artifact is spaced distally from said side port of said elongated needle;

a transverse member engaged with the sharpened distal tip, wherein the transverse member is oriented transverse to the longitudinal axis of the elongated needle, wherein the transverse member is located distally from the side port of the elongated needle and between the material and the cutter lumen, wherein the transverse member is positioned to separate the material from the cutter lumen; and

a cutter movable within the cutter lumen of said tubular needle.

16. (previously presented) The device of claim 15 wherein said needle comprises a thermoplastic.

17. (previously presented) The device of claim 15 wherein said needle comprises a glass fiber reinforced polymer resin.

18. (previously presented) The device of claim 15 wherein said material which will leave an artifact under magnetic resonance imaging is selected from the group consisting of: gadolinium, titanium, aluminium, copper, brass and bronze.